

REMARKS

Claims 1-5, 8-20, 22, 27-32, 43, 45-57, 63-65, 70-73, 76-80, 83, 84, 88, 89, 94, 95, 97 and 99 were previously pending in this application. As summarized in the Telephone Interview Summary below, in an interview conducted on October 28, 2008, the Examiner indicated to Applicant's representatives that claims 5, 13 and 15 are no longer withdrawn and are now allowable. Claim 45 has been amended to incorporate the features of claim 52. Accordingly, claim 52 has been cancelled. Claims 47-51, 55, 56, 64 and 65 have also been cancelled, without prejudice or disclaimer. Claim 54 has been amended to depend from claim 53, and to remove the recitation of "allergen". Claim 94 has been amended to depend from claim 45. Claim 94 has also been amended to remove the recitation of "small cell lung cancer; non-small cell lung cancer". New claims 100 and 101 have been added, reciting "small cell lung cancer" and "non-small cell lung cancer" respectively. Support for claims 100 and 101 can be found in the claims as originally filed, and in the specification at least on page 6 lines 27-28 and page 27 lines 2-3.

Claims 1-5, 8-20, 22, 27-32, 43 and 99 are allowable. Claims 45, 46, 53, 54, 57, 63, 70-73, 76-80, 83, 84, 88, 89, 94, 95 and 97 are allowable with regard to the elected species of lung cancer. No new matter has been added. Applicant reserves the right to pursue the subject matter of the originally filed claims in one or more continuing applications.

Telephone Interview Summary

Applicant thanks Examiner Minnifield for conducting an interview with Applicant's representatives, Oona Johnstone and the undersigned, on October 28, 2008. During the interview, the status of composition claims 5, 13 and 15 was discussed. Applicant's representatives asserted that since generic claim 1 was considered allowable, dependent claims 5, 13 and 15, which recite species that fall within the scope of generic claim 1, should also be considered allowable. Examiner Minnifield agreed and indicated that all of the pending composition claims were now considered allowable. The method claims were also discussed during this interview. Applicant's representatives suggested amending claim 45 to incorporate the features of original claim 52, thus reciting "wherein the subject has or is at risk of developing a cancer". Examiner Minnifield indicated that she would consider this claim amendment.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

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